



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
BANK ONE CENTER/TOWER
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137

COPY MAILED

MAY 04 2004

In re Application of :
Henry M. Gallops :
Application No.10/687,950 :
Filed: October 17, 2003 :
Attorney Docket No. 1405-342 :

OFFICE OF PETITIONS
DECISION GRANTING PETITION

This is a decision on the renewed petition filed April 26, 2004, requesting that the above-identified application retain the presently accorded a filing date of October 17, 2003, with Figures 10 and 11 as described in the specification as part of the original disclosure.

On October 17, 2003, the above-identified application was filed. On December 8, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Items in Nonprovisional Application" (the "Notice"), stating that the application had been accorded a filing date of October 17, 2003, however, Figures 10 and 11 appeared to have been omitted. Relative to the omitted items, the Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

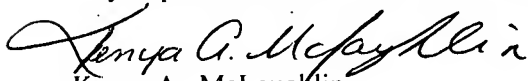
In response, on January 14, 2004, applicants filed a petition that was dismissed by a decision mailed April 16, 2004. The instant renewed petition was filed on April 26, 2004, along with a copy of the Office date-stamped postcard acknowledging receipt of 10 sheets of drawings on October 17, 2003.

Upon review of the record, Figures 10 and 11 as described in the specification have not been located among the application papers. However, the evidence is convincing that the application papers deposited October 17, 2003, included Figures 10 and 11, which were subsequently misplaced by the Office. Therefore, the application, including Figures 10 and 11 as described in the specification, was complete on filing and entitled to the presently accorded filing date of October 17, 2003.

Accordingly, the petition is granted; the Notice is vacated, accordingly. The petition fee of \$130.00 will be refunded in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of October 17, 2003, using the 10 sheets of drawings filed October 17, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703)305-0010.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions